

REMARKS/ARGUMENTS

This application has been carefully reviewed in light of the Office Action dated April 21, 2004. Claims 1-23 remain in this application. Claims 1, 9, and 12 are the independent Claims. Claims 1, 5-6, 9, and 12-13 have been amended. Claims 21-23 are added. It is believed that no new matter is involved in the amendments or arguments presented herein. Reconsideration and entrance of the amendment in the application are respectfully requested.

Non-Art-Based Rejections

On page 2 of the Office Action, the specification was objected to for informalities. In response, the Applicant has amended the specification in accordance with the recommendations presented in the Office Action so as to overcome the objections. Reconsideration and withdrawal of the above objections are respectfully requested.

On pages 2-3 of the Office Action, Claims 5, 6, 9, and 13 were objected to for informalities. In response, the Applicant has amended Claims 5, 6, 9, and 13 to overcome the objections. Reconsideration and withdrawal of the above objections are respectfully requested.

Art-Based Rejections

Claims 1, 12, 16, and 20 were rejected under 35 U.S.C. §102(b) over Nagata et al. (USPN 5,787,288).

Claims 2, 13, and 17 were rejected under 35 U.S.C. §103(a) over Nagata et al. (USPN 5,787,288) in view of Fukunaga et al. (USPN 6,081,296).

Claims 3, 7, 14, and 18 were rejected under 35 U.S.C. §103(a) over Nagata et al. (USPN 5,787,288) in view of Suzuki (USPN 6,493,743).

Claims 4, 6, 8, 15, and 19 were rejected under 35 U.S.C. §103(a) over Nagata et al. (USPN 5,787,288) in view of Fukunaga et al. (USPN 6,081,296), as applied to Claim 2 above, and further in view of Suzuki (USPN 6,493,743).

Claim 5 was rejected under 35 U.S.C. §103(a) over Nagata et al. (USPN 5,787,288) in view of Suzuki (USPN 6,493,743) and further in view of Hatamura (USPN 5,414,528).

Claims 9-10 were rejected under 35 U.S.C. §103(a) over Gerszberg (USPN 6,377,664) in view of Suzuki (USPN 6,493,743).

Claim 11 was rejected under 35 U.S.C. §103(a) over Gerszberg et al. (USPN 6,377,664) in view of Suzuki (USPN 6,493,743), as applied to Claim 9 above, and further in view of Ogura et al. (USPN 5,991,197).

Applicant respectfully traverses the rejections and submits that the claims herein are patentable in light of the clarifying amendments above and the arguments herein below.

The Nagata Reference

The Nagata reference is directed to a method and device for renewing an internal program of an apparatus having communication capability, such as a facsimile machine. (*See Nagata, Col. 1, lines 55-57*). According to Nagata, the apparatus communicates with a central station so as to receive data, programs, and other contents. (*See Nagata, Col. 1, lines 64-67*). The method includes judging whether data transmitted from the central station is a new program and replacing a previously stored program with the new program, if a new program is transmitted. (*See Nagata, Col. 2, lines 1-5*).

The Fukunaga Reference

The Fukunaga reference is directed to reducing the bandwidth required for transmitting acknowledgment signals in a picture transmission system. (*See Fukunaga, Col. 2, lines 7-9*). According to Fukunaga, a transmission system, having a coder and decoder, transmits coded frames, having one or more blocks of data, and acknowledgment signals to indicate which blocks were successfully decoded. (*See Fukunaga, Col. 2, lines 14-18*). The coder unpacks each acknowledgment signal to obtain decoding-error information about the individual blocks, and uses this information in selecting reference frames for inter-frame coding. (*See Fukunaga, Col. 2, lines 19-24*).

The Suzuki Reference

The Suzuki reference is directed to a data processing apparatus capable of downloading a necessary file from the host device connected via a communication network and immediately carry out the process of the downloaded file. (*See Suzuki, Col. 2, lines 58-62*). According to Suzuki, a PDA (personal data assistant) and a host PC (personal computer) communicate via a communication network so as to establish a common operational environment, such as an application program file, and enable the selection of the application on the common operational environment. (*See Suzuki, Col. 4, lines 50-58*).

The Hatamura Reference

The Hatamura reference is directed to a facsimile machine capable of automatically preparing appendant pages, such as a cover page for informing a document-transmission information or a call-back-message page. (*See Hatamura, Col. 1, lines 67-68 to Col. 2, lines 1-4*). According to Hatamura, this invention

eliminates a user's disturbance of manually preparing (handwriting) the appendant pages. (*See Hatamura, Col. 2, lines 5-6*).

The Gerszberg Reference

The Gerszberg reference is directed to a multimedia announcement answering machine that provides video greetings for an answering machine. (*See Gerszberg, Col. 2, lines 52-53*). The video greetings may include still images, animations, and other audio/video clips. (*See Gerszberg, Col. 2, lines 54-57*).

The Claims are Patentable Over the Cited References

The present application is generally directed to communication systems and devices and methods of operating communication systems and devices.

As defined by amended independent Claim 1, a communication system including at least one communication device, each of which stores a first set of data and generates a response upon receiving data or instructions, and a second device connected to each of the at least one communication device over a computer network. The second device includes a transmission unit that transmits replacement data to at least one of the at least one communication device via the computer network. The second device transmits an overwrite instruction to the at least one communication device via the computer network. The second device re-transmits the overwrite instruction to the at least one communication device via the computer network if the response is not received by the second device. Each of the at least one communication device includes a storage unit capable of storing the first set of data, a reception unit that receives said replacement data, and an overwriting unit that writes the replacement data over the first set of data.

The applied references do not disclose or suggest the above features of the present invention as defined by amended independent Claim 1. In particular, the

applied references do not disclose or suggest, "wherein the second device re-transmits the overwrite instruction to the at least one communication device via the computer network if the response is not received by the second device," as required by amended independent Claim 1.

The applied Nagata reference is directed to a method and device for renewing an internal program of an apparatus having communication capability, such as a facsimile machine. (*See Nagata, Col. 1, lines 55-57*). Nagata is specifically directed to a method that includes judging whether data transmitted from the central station is a new program and to replacing a previously stored program with the new program. (*See Nagata, Col. 2, lines 1-5*). According to Nagata, whenever the apparatus control program of a specific model is upgraded to a higher version, the central station establishes a communications link to an individual apparatus of the relevant model and initiates downloading of the upgraded apparatus control program; the apparatus control program is renewed promptly and surely. (*See Nagata, Col. 3, lines 57-65*). However, Nagata does not disclose or suggest that the central station re-transmits the overwrite instruction to the apparatus if the response is not received by the central station in a manner as required by amended independent Claim 1.

In contrast, the present invention discloses that the replacement data transmission procedure executed by the client computer may be arranged such that the overwrite instruction is re-sent or re-transmitted to the facsimile machine if the response, indicating whether or not a specified facsimile machine is able to overwrite data, is not received. (*See Specification, Page 7, lines 16-19*). In addition, if a response indicating that data overwriting is not possible, for example, because the power is off or because overwriting is disabled, or if no response is received from the facsimile machine, then the replacement data or the data specifying that

facsimile machine may be stored at the client computer and the overwriting procedure attempted again later. (*See Specification, Page 7, lines 20-23*).

The ancillary Fukunaga, Suzuki, Hatamura, and Gerszberg references do not remedy the deficiencies of the primary Nagata reference. In fact, the ancillary references do not disclose or suggest the above features of the present invention as defined by amended independent Claim 1. For example, Gerszberg does teach or even suggest re-sending or re-transmitting overwrite instructions to the facsimile machine in the event of the video phone or other host device not receiving a reply from the facsimile machine in a manner as required by amended independent Claim 1 and as disclosed by the present application on page 7, lines 1-23.

Since the applied references fail to disclose, teach, or suggest the above features as recited in amended independent Claim 1, those references cannot be said to anticipate nor render obvious the invention which is the subject matter of amended independent Claim 1.

Accordingly, amended independent Claim 1 is believed to be in condition for allowance and such allowance is respectfully requested.

The Applicant respectfully submits that amended independent Claims 9 and 12 are patentable over the applied references for at least the same reasons as those discussed above with reference to amended independent Claim 1.

The remaining Claims 2-8, 10-11, and 13-20 including the new Claims 21-23 depend either directly or indirectly from amended independent Claims 1, 9, and 12 and recite additional features of the invention which are neither disclosed nor fairly suggested by the applied references. Therefore, the remaining Claims 2-8, 10-11, and 13-20 including the new Claims 21-23 are also believed to be in condition for allowance and such allowance is respectfully requested.

Conclusion

Appl. No. 09/603,219
Amdt. Dated August 17, 2004
Reply to Office Action of April 21, 2004

Attorney Docket No. 81800.0128
Customer No.: 26021

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6809 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: August 17, 2004

By: 

Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701